

Exhibit “ K”

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WAYNE VAN SCOY, )  
 )  
Plaintiff, )  
 )  
v. ) Civil Action No.  
 ) 05-108 (KAJ)  
VAN SCOY DIAMOND MINE OF )  
DELAWARE, INC., KURT VAN SCOY )  
and DONNA VAN SCOY, )  
 )  
Defendants. )

Video deposition of KURT VAN SCOY taken pursuant to notice at the offices of Ashby & Geddes, 17th Floor, 222 Delaware Avenue, Wilmington, Delaware, beginning at 10:00 a.m. on Tuesday, July 26, 2005, before Anne L. Adams, Registered Professional Reporter and Notary Public.

APPEARANCES:

MICHAEL F. PETOCK, ESQ.  
MICHAEL C. PETOCK, ESQ.  
PETOCK & PETOCK  
46 The Commons at Valley Forge  
1220 Valley Forge Road  
Valley Forge, Pennsylvania 19482-0856  
for the Plaintiff,

CHARLES N. QUINN, ESQ.  
FOX ROTHSCHILD  
2000 Market Street, 10th Floor  
Philadelphia, Pennsylvania 19103-3291  
for the Defendants.

ALSO PRESENT: Wayne Van Scoy  
Donna Van Scoy  
Lisa Bauer - Video Specialist

-----  
WILCOX & FETZER  
1330 King Street - Wilmington, Delaware 19801  
(302) 655-0477



WILCOX & FETZER LTD.  
Registered Professional Reporters

COPY

Kurt Van Scoy

71

1 my brother Kenny, quote, unquote, Kenny, I give him two  
2 months. No, I give him three months and he's going to be  
3 in so much debt he won't even know what happened to him,  
4 quote, unquote.

5 Q. Who selected the name Van Scoy Diamond Mine for  
6 your store?

7 A. My father and I.

8 Q. Why was the name Van Scoy Diamond Mine selected?

9 A. Because that's our family business.

10 Q. Did the name have goodwill attached to it?

11 A. The store was closed for 15 months, 16 months  
12 roughly, somewhere around there. That's what they said.  
13 The store was closed and people actually weren't very  
14 happy.

15 Q. Who wasn't happy?

16 A. Customers from the area that purchased rings in  
17 the past.

18 Q. Where did you receive that information?

19 A. From customers actually coming to the  
20 Wilkes-Barre store from driving up and weren't very  
21 happy. And also the fact after I opened the store,  
22 customers came in and, you here today, are you going to  
23 be here next week? So I had to put up with that for  
24 probably about two or three years.



WILCOX & FETZER LTD.  
Registered Professional Reporters

K1

Kurt Van Scoy

72

1 Q. Did you receive a lot of complaints like that?

2 A. Quite a few, yes.

3 Q. Approximately how many?

4 A. The number off the top of my head, I can't  
5 recall.

6 Q. You have quite a few customers now that were also  
7 customers of your father's Van Scoy Diamond Mine; is that  
8 correct?

9 A. They've actually -- no. I would have to say not  
10 many, no, not many at all actually.

11 Q. Well, you have people coming in that were very  
12 upset that they had bought diamonds at your store, at  
13 your father's store. They had bought jewelry at your  
14 father's store and then he closed down.

15 A. Yes.

16 Q. But now you are testifying that there weren't,  
17 they weren't the same customers?

18 A. People that came back, you know, just, geez, you  
19 guys have left and, you know, you are back here. Are you  
20 here for another week and going again? That's basically  
21 what they were stating, not in goodwill.

22 Q. So have you had repeat customers? Have you had  
23 customers that were your father's customers and now are  
24 your customers?



WILCOX & FETZER LTD.  
Registered Professional Reporters

K2

1 in Delaware, Van Scoy Diamond Mine in Delaware, is there  
2 goodwill associated with that mark in Delaware?

3 A. I don't understand the question.

4 Q. Is there a favorable attitude of the purchasing  
5 public towards the goods and services that are coming  
6 from your Van Scoy Diamond Mine in Newark, Delaware?

7 A. I don't know that.

8 Q. Do you think that the public has any sort of  
9 attitude towards your goods and services coming from  
10 Van Scoy Diamond Mine in Newark, Delaware?

11 A. I don't know that.

12 Q. Does your store have a reputation?

13 A. Yes.

14 Q. Does it have a good reputation?

15 A. I do my best, yes.

16 Q. Do you think, in your opinion, has some of that  
17 good reputation come from the efforts of your father?

18 A. I don't know that. I do what I do.

19 Q. Have you improved your store in any way since you  
20 opened it?

21 A. Yes, I have.

22 Q. Could you tell me how you've improved your store?

23 A. I added two more showcases and actually extended  
24 the front room, showroom.

